

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 2, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, August 2, 2005, in the East Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

REQUESTS FOR TOURISM FUNDING

Mrs. Marycarol White, Director of Financial and Management Services, indicated that at the end of June 30, 2005, there was \$90,000 available for tourism purposes not otherwise allocated or appropriated by the Board of Supervisors. Three requests have been submitted from the Jamestown/Yorktown Foundation, the Historic Triangle Wayfinding System, and the Tall Ship Committee of the Yorktown Foundation. If approved, the staff-recommended funding would total \$85,000, leaving a remaining balance of \$5,000 to be carried over to FY06. Mrs. White reviewed the specifics of each request, which entailed:

<u>Organization</u>	<u>Request</u>	<u>Staff Recommendation</u>
Jamestown/Yorktown Foundation	\$54,400	\$40,000
Historic Triangle Wayfinding System	35,000	35,000
Yorktown Foundation (Tall Ship Committee)	10,000	10,000

Mr. Zarembo asked why the Board was in a rush to obligate these dollars instead of letting the fund build so that it might be available for some other tourism-related project.

Mr. McReynolds explained this action is a continuation of the request from the Board's normal budget cycle, and has been the practice for several years because of the uncertainty as to what the funds will amount to during the budget cycle.

After a brief discussion of the requests, the Board by consensus approved the staff's recommendation for tourism appropriations as outlined above.

PERSONAL PROPERTY TAX RELIEF ACT

Mrs. White made a presentation regarding the 1998 Personal Property Tax Relief Act (PPTRA) and 2004 and 2005 General Assembly actions through Senate Bill 5005 which require local policy decisions to enact the changes. She noted that the PPTRA program costs have exceeded original estimates for many reasons, including the increase in new car values, holding periods for vehicles shortened, more vehicles were purchased per household, and more people moved into the state. The reimbursement rate was frozen at 70 percent and has remained there. In

2004 the General Assembly capped PPTRA relief at \$950 million statewide and shifted the basis of reimbursement from calendar year to state fiscal year. It changed the vehicle-based entitlement program to a fixed block grant. The problems this created include a diminishing level of state support as a percentage of the total, and the shift from calendar year to fiscal year reimbursement. The state provided no guidance to local governments on how to convert from the old system to the new. In 2005 the GA came up with some solutions. A reimbursement schedule was developed, and resolutions must be adopted by every governing body throughout the state to make certain policy determinations. Under the old PPTRA, York County received nearly \$8 million in reimbursement from the state during FY2005. Under the new PPTRA, the best estimate is that York County will receive \$8 million per year fixed. Mrs. White then reviewed the three local policy choices that the Board must make:

- the method of computing and reflecting relief
 - reduced rate method, or
 - specific relief method
- the method of allocating relief (rates)
 - locality must determine a basis for allocating relief among classes of taxpayers at a single rate, or
 - at different rates, set out for specific value bands, and
 - across the board to the first \$20,000 of vehicle value, or
 - up to some lower ceiling of vehicle value
- the treatment of low-value vehicles
 - locality must determine whether to take special steps to exempt low-value vehicles, or
 - take no special action, but achieve understanding with the Treasurer that small balances (less than \$20) will not be billed and will be written off, or
 - issue bills to and collect from all taxpayers, even if the amount owed is insignificant

Discussion followed regarding the state not keeping its promises regarding the Personal Property Tax Relief Act and again shifting the burden to the localities. It was noted that with a fixed amount the localities will receive from the state for this purpose each year, the taxpayers will over time pay a much higher percentage of the tax.

By consensus the Board agreed to use the specific relief method of computing and reflecting relief, and staff was directed to annotate on the tax bills the percentage that is being reimbursed by the state each year. The Board by consensus also agreed to opt for the single rate method of allocating the relief, as well as to continue issuing bills and collecting from all taxpayers, even if the amount owed is insignificant.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, 5, and 6, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meeting of the York County Board of Supervisors were approved:

June 21, 2005, Regular Meeting

Item No. 4. COLONIAL SERVICES BOARD (CSB) PERFORMANCE CONTRACT: Resolution R05-132

A RESOLUTION TO AUTHORIZE EXECUTION OF A CONTRACT
BETWEEN THE COUNTY OF YORK AND THE COLONIAL SERVICES BOARD FOR THE DELIVERY OF SERVICES

WHEREAS, Section 37.1-195 of the Code of Virginia, 1950 as amended, requires each locality to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, pursuant to this statutory provision, the County of York has established the regional Colonial Community Services Board in conjunction with James City County and the Cities of Williamsburg and Poquoson; and

WHEREAS, Section 37.1-197(A)(2) requires local governments to review and act on the Annual Performance Contract with the Community Services Board and to make appropriate appointments to that Board; and

WHEREAS, the Board of Supervisors has reviewed the proposed Performance Contract between the County of York and the Colonial Community Services Board and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of August, 2005, that the proposed FY2006 Annual Performance Contract between the County of York and the Colonial Community Services Board is approved and that the County Administrator be, and he hereby is, authorized to execute the agreement and to take all actions necessary to assure that services are delivered to the citizens of York County.

Item No. 5. EMPLOYEE OF THE QUARTER: Resolution R05-136

A RESOLUTION TO COMMEND DREAMA M. CROFT IN THE
YOUTH SERVICES DEPARTMENT OF THE YORK COUNTY PUBLIC LIBRARY AS EMPLOYEE OF THE QUARTER

WHEREAS, Ms. Croft has been employed with the County since August of 2000 and currently holds the position of Library Assistant in the Youth Services department of the York County Public Library; and

WHEREAS, Ms Croft performs her job with enthusiasm, demonstrating a true love of children and an appreciation for children's literature; and

WHEREAS, she has been instrumental in developing strong infant and toddler story time programs for the Library, offering the Tiny Tales program for non-walkers ages six to

fourteen months and the wildly popular Toddler Tales program to children ages fifteen to thirty months in order to introduce young library patrons to books, reading, and fun library time; and

WHEREAS, Ms. Croft takes the initiative to schedule at least two annual community outreach programs about Babies and Books in which her participants have included expectant teen parents, childcare studies students, and new parents in partnership with the York County School Division, Mary Immaculate Hospital, and Family Focus organizations; and

WHEREAS, Ms. Croft continually seeks new opportunities for cooperative ventures, and she has recently expanded the Head Start book deposit program to include a monthly story time visit to three York County Head Start sites and Avalon, a center for victims of abuse; and

WHEREAS, Ms. Croft is a dedicated employee, and her enthusiasm for books and her knowledge of early childhood development have resulted in wonderful programming for children, creating a love of reading and enhancing the services available at the York County Public Library;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of August, 2005, that Dreama M. Croft be, and she is hereby, congratulated upon her selection as Employee of the Quarter for the quarter ended March 31, 2005.

Item No. 6. Virginia Public School Authority (VPSA)—Return of Savings: Proposed Resolution R05-110.

A RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF YORK GENERAL OBLIGATION SCHOOL BONDS, SERIES 1993 AND REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY

WHEREAS, the Virginia Public School Authority (the “Authority”) pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the “1987 Resolution”) and (ii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the “1997 Resolution”) issued bonds (respectively, the “1987 Resolution Bonds” and the “1997 Resolution Bonds”) for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia; and

WHEREAS, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of York, Virginia (the “County”) designated the York County School Bond, Series of 1988A and the County of York General Obligation School Bonds, Series 1989A and Series 1990A (“Prior Local School Bonds”); and

WHEREAS, the Authority has issued under the 1987 Resolution several series of 1987 Resolution Bonds designated as “School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the “Series 1991 C Bonds”), “School Financing Bonds (1987 Resolution) 1993 Refunding Series B” (the “Series 1993 B Bonds”) and “School Financing Bonds (1987 Resolution) 1993 Series C” (the “Series 1993 C Bonds”); and

WHEREAS, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and Series 1993 B Bonds and, in connection therewith,

the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of York General Obligation School Bond, Refunding Series 1994 A (the "1994 A Local School Bond"); and

WHEREAS, the Authority used a portion of the proceeds of the Series 1993 C Bonds to purchase certain duly authorized and issued general obligation school bonds of the County designated the County of York General Obligation School Bonds, Series 1993 (together with the 1994 A Local School Bond, the "Local School Bonds"); and

WHEREAS, the Authority refunded its Series 1991 C Bonds, Series 1993 B Bonds and Series 1993 C Bonds ("Refunded Bonds") with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Refunding Bonds") issued pursuant to the 1997 Resolution; and

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution; and

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule"); and

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule; and

WHEREAS, the Board of Supervisors of the County of York, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of August, 2005:

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed. Further, this resolution appropriates the funds received as a result of the VPSA Refunding in the County Debt Service Fund to be transferred to the School Capital Fund to provide partial funding for the FY2006 Capital Budget.

4. Effective Date.

This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of York, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on August 2, 2005, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was duly held and complied with all requirements of law.

OPEN DISCUSSION

Mr. Shepperd indicated at the next meeting he would provide the Board with a copy of the HRPDC report. He stated he read an article about the value of trees to large communities, and they are finding out they filter and reduce the run-off requirements, and help with the pollution problem. The article was significant in that many localities are taking steps to ensure that trees are being planted, and incentives are being given to developers to preserve existing trees.

Chairman Burgett stated he was of the opinion that all developers had to meet certain planting requirements and provide a certified drainage plan.

Mr. Shepperd noted that we still end up with developments with flooding. As County government, the approach the Board takes to address this is important. The County is very green, but the Board still needs to give thought as to how the clearing of land is being mitigated.

Chairman Burgett stated the revised Comprehensive Plan is coming up, and he indicated he wanted to have it overlayed by the new Zoning Ordinance regulations soon after it is adopted.

Mrs. Noll stated that planting trees on Route 17 has gone a long way to fight pollution.

Mr. Zaremba stated the Board needs to be thinking not only about elevations but also about the fact that developers strip clear many acres of many years of growth, and the County is left with nothing but a graded piece of property. The York County Code requires the landscaping, but more often than not that landscaping is completed with small bushes and new trees that cannot replace the larger trees that were cut down. Mr. Zaremba stated there should be harmony with respect to what is taken down with what is replaced.

Mr. Bowman noted that tomorrow night at 7:00 p.m. the Planning Commission will discuss the Comprehensive Plan. He noted that as he traveled down Route 17 this evening, York County crews were out weeding and cutting grass, and it really looks good, and their efforts are really paying off. He stated Route 238 coming from Newport News is starting to look good also.

Mrs. Noll indicated there was an editorial in the newspaper today talking about NASA, which was good because the editorial said it was not enough for local government to get behind funding, but that the citizens need to step up and start talking about it also. She stated if Langley NASA continues to downsize, there would be major problems.

Mr. Zaremba noted he was visited today by the property manager of Colonial Williamsburg as a courtesy to discuss a Colonial Williamsburg-owned parcel located in his district. He noted that Colonial Williamsburg has bought up thousands of acres, and its rationale is to protect the corridors coming into Colonial Williamsburg. The tract of land mentioned—bordered generally by Bypass Road, Waller Mill Road, Route 132, and East Rochambeau Drive--makes up the triangle of property, which is in excess of 400 acres. Colonial Williamsburg was going to put a request for proposal out on the street to see what they might get back from developers in terms

of developing one-half of the 400+ acres, and they would keep as a buffer 200 acres running down Rochambeau around to Bypass Road. Currently under the County's zoning, the property is zoned as single-family residential property for the most part for ½-acre lots. The proposal coming forward from the Comprehensive Plan Committee would keep it single-family residential, but increase the acreage to 1 acre. Colonial Williamsburg has indicated it would be appreciative if the Board could slow its Comprehensive Plan review process down. Mr. Zaremba stated he told Colonial Williamsburg property manager to contact each of the Board members and the County staff with this information.

Chairman Burgett thanked the staff for getting rid of unauthorized signs throughout the County, stating it was looking much better.

CLOSED MEETING. At 7:24 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

Meeting Reconvened. At 7:30 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Bowman moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of August, 2005, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE COLONIAL SERVICES BOARD

Mrs. Noll moved the adoption of proposed Resolution R05-138 that reads:

August 2, 2005

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTA-
TIVE TO THE COLONIAL SERVICES BOARD

WHEREAS, a vacancy for a York County representative on the Colonial Services Board exists due to the resignation of Ms. Rebecca Y. Rolston;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of August, 2005, that Donald E. Willis be, and he is hereby, appointed as a York County representative to the Colonial Services Board to fill the unexpired term of Rebecca Y. Rolston, such term to begin immediately and expire June 30, 2006.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

SOUND SYSTEM FOR THE EAST ROOM AND BOARD ROOM OF YORK HALL

The Board members had a brief discussion with staff of Video Services concerning the sound system in the East Room and Board Room of York Hall.

Meeting Adjourned. At 7:38 p.m. Chairman Burgett declared the meeting be adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors